

Rex K. Daines
OlsenDaines PC
3995 Hagers Grove Rd. SE
Salem, OR 97317
503-362-9393
rdaines@olsendaines.com

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re

Ann Teresa Hough

Debtor

Ann Teresa Hough

Plaintiff

vs

**United States Department of
Education**

American Education Services

Defendants

Case No. 20-30536-dwh13

Adv. Proc. No.

COMPLAINT

COMPLAINT – Page 1 of 3

JURISDICTION AND THE PARTIES

1. Plaintiff, Ann Hough, brings this action for the discharge of her federal student loan debt under the “undue hardship” provision set out in 11 U.S.C. § 523(a)(8).
2. Plaintiff filed the underlying case under chapter 13 of the Bankruptcy Code on February 14, 2020. This Court has jurisdiction over this action under 28 U.S.C. § 1334. This proceeding is a core proceeding. Plaintiff consents to the entry of final orders or judgment by the Bankruptcy Court on this matter.

Factual Allegations

3. One of the unsecured debts owing by Plaintiff and listed on Schedule E/F is a student loan owing to Defendant. With accumulated interest, Defendant claims that the amount that was owed on the student loan when this case was filed was \$62,923.
4. Defendant is responsible for the overall operation of the guaranteed student loan program.
5. Plaintiff suffers from rheumatoid arthritis, osteoarthritis, chronic tendonitis, trigeminal neuralgia, and diabetes. Plaintiff worked part-time at Rite Aid, became too painful to continue working.
6. Plaintiff’s 34-year-old daughter has stage 4/5 chronic kidney disease, will be on dialysis soon and is waiting for a transplant.
7. Plaintiff is not able to pay towards this student loan in the future.

- 8.** Plaintiff has no current available income or resources with which to pay the aforementioned loan and any payments on that loan could be made only at great hardship to the Plaintiff.
- 9.** Plaintiff has paid on this student loan to the best of her ability.
- 10.** Excepting the loans from discharge will impose an undue hardship on Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter a Judgment declaring the student loan debt of the Debtor to be dischargeable in the underlying Bankruptcy Case.

June 7, 2023

RESPECTFULLY FILED,

/s/ Rex K. Daines
Rex K. Daines, OSB #95244
Attorney for Plaintiff
OlsenDaines

COMPLAINT – Page 3 of 3